

DETAILED ACTION

Election/Restrictions

1. Claims 1-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on May 29, 2008.
2. Newly submitted claims 25-40 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
 - Claim 25 recites the newly added limitation “sensing means to dynamically sense a bucket attribution”, which is disclosed in the non-elected claim 2. Similarly, claims 26 and 27 both recites the newly added limitation “a bucket attribution”, which is disclosed in the non-elected claim 2.
 - Claim 30 recites the newly added limitation “a reservoir for a chemical fire retardant”, which is disclosed in the non-elected claim 7.
 - Claim 40 recites the newly added limitation “the valve is attachable to the aircraft by at least one remotely actuatable valve line”, which is disclosed in the non-elected claim 1
 - Furthermore, claim 23 has been amended to add newly limitations of the non-elected claims as follows: “a valve” of the non-elected claim 1, “by an operator” of the non-elected claim 7, and ‘fire retardant” of the non-elected claim 7.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-40 are withdrawn from consideration

as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

3. The timely submission under 37 CFR 1.129(a) filed on May 29, 2008 is not fully responsive to the prior Office action because of the non-elected limitations in the elected amended claims and the newly added claims as indicated above. Since the submission appears to be a *bona fide* attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Len Tran can be reached on 571-272-1184. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinh Q Nguyen/
Primary Examiner, Art Unit 3752

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